

Docket Number: 3736

MICHAEL BAKER, JR., INC.

~~Kenneth L. Sable, Esquire~~
~~Thomas L. Isenberg, Esquire~~
~~Robert A. King, Esquire~~
~~John M. Tedder, Esquire~~
~~Albert Bates, Jr. IV, Esquire~~

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~Andrew S. Gordon, Chief Counsel~~
~~Robert T. Kuntz, Assistant Counsel~~

November 16, 2004

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,089,002.12+

November 18, 2004

Board issued Acknowledgment letter and forwarded a copy of the Claim to Attorney General.

November 19, 2004

Plaintiff filed Praecipe to Attach Notice to Defend to the Statement of Claim filed November 16, 2004.

November 24, 2004

Board issued Acknowledgement letter of Praecipe to Attach Notice to Defend and forwarded a copy of the Praecipe to Attach Notice to Defend to Attorney General.

November 29, 2004

Attorney General filed Acknowledgement form of Claim. Receipt of same acknowledged November 22, 2004.

December 3, 2004

Attorney General filed Acknowledgement form of Praecipe to Attach Notice to Defendant. Receipt of same acknowledged November 30, 2004.

December 6, 2004

Defendant filed letter-type request for an extension of time until January 18, 2005 in which to respond to Plaintiff's Claim.

December 13, 2004

Board issued letter to Defendant, with copy to Plaintiff, granting Defendant's request for an extension of time until January 18, 2005 in which to respond to Plaintiff's Claim.

January 18, 2005

Defendant filed Answer and New Matter.

February 2, 2005

Plaintiff transmitted via fax a letter-request for a two-week extension of time to reply to Defendant's Answer and New Matter.

February 3, 2005

Plaintiff filed a letter-request for a two-week extension of time to reply to Defendant's Answer and New Matter.

February 4, 2005

Board issued letter to Plaintiff granting two-week extension of time to reply to Defendant's Answer and New Matter. Plaintiff's Reply to Answer & New Matter due on or before **February 21, 2005**.

February 22, 2005

Plaintiff filed Reply to New Matter.

August 15, 2005

Plaintiff filed Praecipe for Substitution of Appearance of Robert A. King, Esquire and John M. Tedder, Esquire and the law firm of Post & Schell, P.C. on behalf of Plaintiff.

November 14, 2005

Defendant filed Notice of Service of its First Request for Production of Documents.

December 12, 2005

Plaintiff filed Notice of Service of its First Request for Production of Documents.

December 12, 2005

Plaintiff filed Notice of Service of its Responses and Objections to Defendant's First Request for Production of Documents.

May 8, 2006

Plaintiff filed Notice of Service of First Set of Interrogatories served upon Defendant.

May 26, 2006

Plaintiff filed Notice of Service of Subpoena (with Duces Tecum).

August 21, 2006

Defendant filed Amended answer with new matter and counterclaim.

August 23, 2006

Board issued letter to Plaintiff directing them to file a response to Defendant's New Matter and Counterclaim.

August 28, 2006

Plaintiff transmitted a letter via fax requesting an extension of time until October 4, 2006, in which to file a response to Defendant's New Matter and Counterclaim.

August 29, 2006

Board issued letter to Plaintiff granting an extension of time in which to file a response to Defendant's Amended Answer With New Matter and Counterclaim. Copy forwarded to Defendant.

August 30, 2006

Plaintiff filed a letter requesting an extension of time until October 4, 2006, in which to file a response to Defendant's New Matter and Counterclaim.

October 4, 2006

Plaintiff filed Claimant Michael Baker, Jr., Inc.'s Reply to amended new matter, answer to counterclaim and new matter to counterclaim.

October 5, 2006

Board issued letter to Defendant requesting a reply to new matter to counterclaim. Copy forwarded to Plaintiff.

October 16, 2006

Defendant filed a certificate of merit.

October 25, 2006

Defendant filed a Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22.

November 3, 2006

Defendant filed letter requesting an extension of time to file response to the New Matter to Counterclaim.

November 7, 2006

Board issued letter to Defendant with copy to Plaintiff granting extension of time to file response to the new matter to counterclaim.

November 15, 2006

Defendant filed Answer to New Matter to Counterclaim.

November 16, 2006

Board forwarded letter to parties directing them to proceed with discovery.

February 15, 2007

Plaintiff filed Notice of Service of a subpoena and a Notice of Deposition of a Designated Representative of HDR Engineering.

June 11, 2007

Plaintiff filed Praecipe for Substitution of Appearance of Albert Bates, Jr., IV, Esq., John M. Tedder, Esq. and the law firm of Duane Morris, LLP for Robert A. King, Esq. and John M. Tedder, Esq. and the law firm of Reed Smith, LLP as counsel for claimant.

June 27, 2007

Plaintiff filed Revised Praecipe to Substitution of Appearance.

February 11, 2008

Plaintiff filed a Motion for a Protective Order and Brief in Support. [06A031208D]

February 12, 2008

Defendant filed Motion to Compel the Production of Documents Pursuant to Pa.R.C.P. 4019 and Brief in Support. [06A031308D]

February 14, 2008

Board issued letter to Plaintiff directing a response and brief filed relative to Defendant's Motion to Compel.

March 3, 2008

Plaintiff filed Notice of Service of Deposition of Designated Representative(s) of PennDOT.

March 11, 2008

Defendant filed Brief in Opposition to the Protective Order Sought by Michael Baker, Jr., Inc.

March 13, 2008

Plaintiff filed Opposition to Motion to Compel the Production of Documents Pursuant to PA. R.C.P. 4019 and Brief in Support.

April 16, 2008

Plaintiff filed Notice of Service of an Amended Notice of Deposition of Designated Representative(s) of PennDOT.

April 24, 2008

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 24th day of April, 2008, it is **ORDERED** and **DECREED** that Plaintiff's Motion for Protective Order is **DENIED**. It is further **ORDERED** and **DECREED** that DOT's Motion to Compel is **GRANTED**, but only upon the observance of the conditions (including payment of - costs) set forth in this opinion and order. In the event the parties are not able to agree up front on the reasonable costs to be paid, one or the other shall request a status conference for the purpose of resolving the cost issues. Upon resolution of the cost parameters involved, Defendant shall promptly advise the Board of same by letter, and Plaintiff shall then have 60 days from the filing date of said letter to provide the discovery information compelled by this Order." Copy forwarded to Plaintiff and Defendant.

April 30, 2008

Plaintiff filed Acceptance of Service of Opinion and Order dated April 24, 2008. Receipt of same acknowledged April 28, 2008.

April 30, 2008

Defendant filed Acceptance of Service of Opinion and Order dated April 24, 2008. Receipt of same acknowledged April 28, 2008.

December 17, 2010

Plaintiff filed letter advising that the parties have agreed to proposed settlements and that once the settlements are concluded the parties will advise the Board.

April 4, 2011

Plaintiff filed letter/praecipe advising that the parties have executed final settlements and releases in connection with their respective claims in the above-referenced action.

April 5, 2011

Board rendered an Order. Order as follows: "**AND NOW**, this 5th day of April, 2011, upon receipt of a Letter/Praecipe executed by John M. Tedder, Esquire, on behalf of Plaintiff, Michael Baker, Jr., Inc. advising that the parties have executed final settlements and releases in connection with their respective claims in the above-referenced action, docketed with this Board under date of April 4, 2011, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice. Copy forwarded to Plaintiff and Defendant.

April 11, 2011

Plaintiff filed Acceptance of Service of Order dated April 5, 2011. Receipt of same acknowledged by Plaintiff April 7, 2011.